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TRANSMITTING: 3 PAGES (INCLUDING THIS PAGE)

NAME: Art Unit 2613  
Commissioner for Patents  
U.S. Patent and Trademark Office

FAX NUMBER: (571) 273-8300

DATE: January 26, 2006

SENDER: Ralph E. Jocke, Esq.

FAX NUMBER: (330) 722-6446

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COMMENTS: Please refer to the attached **Notice of Appeal** for Application 08/889,033.

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Practitioner's Docket No. D-1083

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: Frazzitta, et al.  
Application No.: 08/889,033  
Filed: July 7, 1997  
Title: Transaction SystemConfirmation No. 2912  
Previous Appeal No.: 2004-1711  
Art Unit 2613  
Examiner Tung VoCommissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450NOTICE OF APPEAL FROM THE PRIMARY EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES (37 C.F.R. 41.31)

Appellants hereby request reinstatement of their appeal pursuant to 37 C.F.R. § 41.31. Appellants hereby appeal to the Board the decision of the Primary Examiner, mailed October 27, 2005, regarding all unallowed claims (including rejected claims 1-44).

## 1. STATUS OF APPLICANT

This application is on behalf of other than a small entity.

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## CERTIFICATION OF TRANSMISSION UNDER 37 C.F.R. SECTIONS 1.8(a) AND 1.6(d)

## FACSIMILE

I hereby certify that, on the date shown below, this correspondence is being transmitted by facsimile to the Patent and Trademark Office at (571) 273-8300.

Date: January 26, 2006  
Ralph E. LockeAdjustment date: 01/27/2006 EFLORES  
10711/2000 CVO111 00000057 041077 08889033  
01 FC:119 310.00 CR

01/27/2006 EFLORES 00000051 041077 08889033

01 FC:1401 500.00 DA

(Notice of Appeal from the Primary Examiner to the Board for 08/889,033 -- page 1 of 2)

**2. FEE FOR FILING NOTICE OF APPEAL**

Pursuant to 37 C.F.R. 41.20(b)(1), the fee for filing the Notice of Appeal is:

Other than a small entity	\$500.00
Previously paid Notice of Appeal fee	\$310.00
Notice of Appeal fee due	\$190.00

**3. EXTENSION OF TIME**

The proceedings herein are for a patent application and the provisions of 37 C.F.R.1.136 apply.

Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**4. TOTAL FEE DUE**

A total fee (\$310) has already been paid for previously filed Notice of Appeal(s). If necessary, please apply the previously paid fee herein.

The total fee due is:

Additional Notice of Appeal fee     \$ 190.00

**TOTAL FEE DUE     \$ 190.00**

**5. FEE PAYMENT**


The Commissioner is authorized to charge any necessary fee associated with the filing of this Notice of Appeal and any other fee due to Deposit Account No. 04-1077 (Diebold, Incorporated).

**6. FEE DEFICIENCY**

If any additional extension and/or fee is required, this is a request therefor and to charge Deposit Account No. 04-1077 (Diebold, Incorporated).

If any additional fee for claims is required, charge Deposit Account No. 04-1077 (Diebold, Incorporated).

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(Notice of Appeal from the Primary Examiner to the Board for 08/889,033 – page 2 of 2)